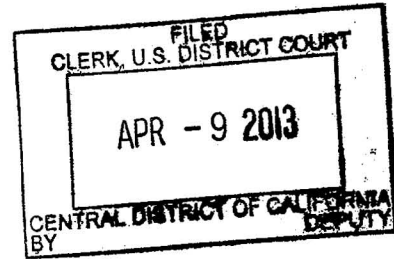


COPY

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Attorneys for Plaintiff Avi Ofra Media



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

AVI OFRA, individual and dba AVI
MEDIA,

Plaintiff,

vs.

DELTA ENTERTAINMENT, CORP.,
FKA DELTA MUSIC CORP.;
WOLFGANG FETTEN, SANDRA
CARTER INTERNATIONAL, INC.
FKA SANDRA CARTER
ENTERPRISES, INC.; SANDRA
CARTER COLLYER;
BLOCKBUSTER LLC; NETFLIX
INC.; NETFLIX STREAMING
SERVICES INC.; AMAZON.COM,
LLC, and DOES 1-10

Defendants.

Case No.

CV 13-02524

JAK
CW

COMPLAINT FOR

- 1. Copyrights Infringement of Foreign Work;**
 - 2. Contributory Copyrights Infringement of Foreign Work;**
 - 3. Vicarious Copyrights Infringement of Foreign Work;**
 - 4. Inducing Infringement of Copyrights In Foreign Work;**
 - 5. Federal False Designation of Origin and Unfair Competition, 15. U.S.C. § 1125(a)**
 - 6. Unfair Competition-California Business & Professions Code § 17200, et seq.**
 - 7. Interference With Prospective Economic Advantage;**
 - 8. Conversion;**
 - 9. Fraud**
 - 10. Declaratory Relief**
- DEMAND FOR JURY TRIAL**

1 Plaintiff Avi Ofra (dba Avi Media or "Plaintiff") by and through his counsel,
2 hereby alleges as follows:

3 **JURISDICTION AND VENUE**

4 1. This is a civil action seeking damages and an injunction for infringement of
5 copyrights in a foreign work, pursuant to the Berne Convention, and for state-laws based
6 torts. This Court has subject matter jurisdiction over Plaintiff's claims arising under the
7 Copyright Act (17 U.S.C. §§ 101 et seq.) pursuant to 28 U.S.C. §1331 (federal subject
8 matter jurisdiction) and 28 U.S.C. § 1338(a) (any act of Congress relating to copyrights,
9 patents and trademarks). This Court has subject matter jurisdiction over the related state
10 law claims under 28 U.S.C. § 1367 (action asserting a state claim of unfair competition
11 joined with a substantial and related federal claim under the patent, copyright or
12 trademark laws).

13 2. This Court has personal jurisdiction over each of the defendants and venue
14 is proper pursuant to 28 U.S.C. §§ 1391(b) and 1400(a), because the defendants are either
15 California entities, registered with the California Secretary of State as having their
16 principal place of business within the Central District of California; and/or are individuals
17 who reside within the Central District of California; and/or are entities or individuals
18 doing business in California, and so are purposely availing themselves of the benefits and
19 privileges of California law. Moreover, based on Plaintiff's information and belief, each
20 of the defendants directly or indirectly infringes Plaintiff's copyrights and throughout the
21 United States, including within the Central District of California. Defendants are engaged
22 in the infringement of Plaintiff's copyrighted audio-visual work, titled "The Holy Land
23 Revealed" (the "Movie"), and the printed text appearing on the dust jacket of the Movie.
24 Defendants carryout their infringement of Plaintiff's intellectual property rights through
25 duplication and distribution of DVDs of the Movie and/or through websites whereby they
26 allow the public to download the Movie to their personal computers and other audio-video
27 players for a fee.

THE PARTIES

3. Plaintiff Avi Media is a sole proprietorship in Israel, owned by Avi Ofra, with a principal place of business in Jerusalem. Plaintiff owns and exclusively controls all copyrights in and trademarks associated with the Movie.

4. Plaintiff is informed and believes, and on that basis alleges that defendant Delta Entertainment Corp., formerly named Delta Music Corp. ("Delta"), is a California corporation organized and operated under the laws of the State of California with its principal place of business at 1663 Sawtelle Boulevard, Third Floor, Los Angeles, California 90025.

5. Plaintiff is informed and believes, and on that basis alleges that defendant Wolfgang Fette ("Fette") is an individual residing in California in the county of Los Angeles, and is the incorporator, officer and owner of Delta. Plaintiff is informed and believes, and on that basis alleges that Fette conducts business within the Central District of California.

6. Plaintiff is informed and believes, and on that basis alleges that defendant Sandra Carter International, Inc. ("SCI"), formerly named Sandra Carter Enterprises, Inc., is a New York Corporation doing business in California. Plaintiff is further informed and believes, and on that basis alleges that SCI does business as "Sandra Carter Productions."

7. Plaintiff is informed and believes, and on that basis alleges the defendant Sandra Carter Collyer ("Carter") is an individual residing in New York state, but who conducts business within the Central District of California, and who has engaged in conduct alleged herein within the Central District of California, or which although conducted elsewhere has caused harm to Plaintiff within the Central District of California.

8. Plaintiff is informed and believes, and on that basis alleges that defendant Blockbuster L.L.C. ("Blockbuster") is a Colorado limited liability company, qualified to do, and doing business in, California. Plaintiff is informed and believes, and on that basis alleges that defendant Blockbuster operates, and at relevant times has operated, retail stores in the state of California, and within the Central District of California, from which

1 infringing copies of the Movie could be rented or purchased by the public for viewing.
2 Plaintiff is informed and believes, and on that basis alleges that defendant Blockbuster
3 operates, and at relevant times has operated, a streaming audio-video service, from which
4 infringing copies of the Movie were and continue to be downloaded for display by
5 customers located within the state of California, including the Central District of
6 California, and elsewhere in the United States. On account of their conduct, defendants
7 are liable to Plaintiff for copyright infringement.

8 9. Plaintiff is informed and believes, and on that basis alleges that defendants
9 Netflix Inc., and Netflix Streaming Services Inc. (collectively "Netflix") are Delaware
10 corporations, qualified to do, and doing business in, California. Plaintiff is informed and
11 believes, and on that basis alleges that defendant Netflix operates, and at relevant times
12 has operated, a rental and sales business within the state of California, and within the
13 Central District of California, from which infringing copies of the Movie were and are
14 being rented or purchased by the public for viewing. Plaintiff is informed and believes,
15 and on that basis alleges that defendant Netflix operates, and at relevant times has
16 operated, a streaming audio-video service, from which infringing copies of the Movie
17 were and are being downloaded for display by customers located within the state of
18 California, including the Central District of California, and elsewhere in the United States.

19 10. Plaintiff is informed and believes, and on that basis alleges that defendant
20 Amazon.com, Inc. ("Amazon") is a Delaware Limited Liability Company qualified to do,
21 and doing business in California. Plaintiff is informed and believes, and on that basis
22 alleges that defendant Amazon operates, and at relevant times has operated, a business in
23 the state of California, and within the Central District of California, from which infringing
24 copies of the Movie were and are being purchased by the public for viewing. Plaintiff is
25 informed and believes, and on that basis alleges that defendant Amazon operates, and at
26 relevant times has operated, a streaming audio-video service, from which infringing
27 copies of the Movie were and are being downloaded for display by customers located
28 within the state of California, including the Central District of California, and elsewhere

1 in the United States.

2 11. Plaintiff does not know the true names and capacities of the Defendants
3 named herein as DOES 1 through 100, inclusive. Plaintiff will seek leave to amend this
4 Complaint to allege their names and capacities when ascertained. However, Plaintiff is
5 informed and believes, and on that basis alleges that the defendants designated herein as
6 DOES 1 through 100, inclusive, are persons or entities responsible for the acts or
7 omissions that constitute violations of Plaintiff's rights herein alleged, or that they are
8 otherwise required to be joined as a parties in order for Plaintiff to obtain all the relief to
9 which it is entitled.

10 **ALTER EGO**

11 12. Plaintiff is informed and believes, and on that basis alleges that Fetten is the
12 alter ego of Delta, and has exercised complete dominion and control over Delta, its assets,
13 and business dealings, which were and are commingled and intermingled with his, such
14 that a unity of interest exists between Fetten and Delta. Plaintiff is informed and believes,
15 and on that basis alleges that Fetten has failed to maintain the requisite corporate
16 formalities to show that he is separate and apart from Delta, and as a result, is the alter ego
17 of Delta. Plaintiff is informed and believes, and on that basis alleges that Delta is
18 inadequately capitalized and insured to respond to claims against it. Thus, unless the
19 fiction of the "corporate entity" is ignored, an abuse of the corporate privilege, fraud and
20 injustice will result, all to the irreparable injury of Plaintiff.

21 13. Plaintiff is informed and believes, and on that basis alleges that Carter, is the
22 alter ego of SCI and has exercised complete dominion and control over SCI, its assets, and
23 business dealings, which were and are commingled and intermingled with hers, such that
24 a unity of interest exists between Carter and SCI. Plaintiff is informed and believes, and
25 on that basis alleges that Carter has failed to maintain the requisite corporate formalities to
26 show that she is separate and apart from SCI, and as a result, is the alter ego of SCI.
27 Plaintiff is informed and believes, and on that basis alleges that SCI is inadequately
28 capitalized and insured to respond to claims against it. Thus, unless the fiction of the

1 “corporate entity” is ignored, an abuse of the corporate privilege, fraud and injustice will
2 result, all to the irreparable injury of Plaintiff.

3 **FACTUAL ALLEGATIONS**

4 14. Avi Ofra (“Ofra”), is an individual residing in Jerusalem, Israel, doing
5 business as Avi Media.

6 15. In or about 1998, Ofra commissioned Nissim Mossek, doing business as
7 Biblical Productions (“Biblical”), to create the Movie that is the subject of this lawsuit. In
8 or about 2000, the Movie was completed. The Movie quickly gained recognition and
9 success among foreign tourists visiting Israel, and within the domestic Israeli market.

10 16. Before the Movie was publically released, Plaintiff obtained copyright
11 protection in Israel. Plaintiff ensured that all copies of the Movie it has produced
12 contained the copyright notice on the cover of the DVD and in the credits. Indeed, the
13 end credits specifically state: “The Holyland Revealed © Avi Media All Rights
14 Reserved.”

15 17. Since about 2000, Plaintiff received substantial revenue from the
16 distribution and sale of the Movie.

17 18. In or about 2002 Plaintiff authorized Biblical to determine whether a U.S.
18 company could be found to produce and distribute copies of the Movie in the U.S. under
19 license from Plaintiff with Plaintiff’s consent and knowledge.

20 19. Plaintiff is informed and believes, and on that basis alleges that in 2002
21 Carter represented to Biblical who was acting as Ofra’s agent, that Carter had a client who
22 was interested in a limited non exclusive license of the Movie for 3 years commencing
23 December 1, 2002 and ending November 30, 2005, in exchange for payment to Plaintiff
24 for the License (“Limited License”). Carter represented that Plaintiff was required to
25 provide Carter with a master copy of the Movie (“Master”) and falsely stated that the
26 Master would be returned to Plaintiff and would only by used with respect to the Limited
27 License disclosed.

28 20. Based on information and belief, Carter further represented that if she were

1 to find additional parties in the United States who were interested in making or
2 distributing copies of the Movie, subject to a paid license from Plaintiff, she would advise
3 Plaintiff and obtain Plaintiff's written consent. Based on information and belief, Biblical
4 informed Carter that no license to duplicate or sell the Movie would be granted without
5 the execution of a paid license agreement between Plaintiff and the U.S. party or parties.

6 21. Plaintiff is informed and believes, and on that basis alleges that since 2002
7 SCI and Carter have entered into agreements with Defendants, including Fetten, Delta,
8 and others, under which SCI and Carter have purported to license the duplication and sale
9 of the Movie, or have purported to transfer intellectual property rights in the Movie to
10 Defendants, including Fetten, Delta and others. All of this has been done without the
11 knowledge, permission or consent of the Plaintiff.

12 22. Based on information and belief, with further intent to deceive, Carter also
13 falsely represented to the public that she was the producer of the Movie. Carter was not a
14 producer for the Movie and had no association whatsoever with the production of the
15 Movie.

16 23. Plaintiff first discovered that unauthorized duplication and sales of the
17 Movie have been occurring in the U.S. in or about March 2012; when Amazon provided
18 Plaintiff with an e-mail claiming that the Movie, which Plaintiff was seeking to sell
19 through Amazon was an improper duplication of a movie already sold by others,
20 purportedly copyrighted to Delta Entertainment. In response, Plaintiff advised Amazon
21 that Plaintiff was the sole rightful owner of copyrights in the Movie; that all other copies
22 of the Movie distributed through the Amazon.com website infringed on Plaintiff's
23 intellectual property rights, and; that Amazon must cease from selling the infringing
24 copies of the Movie. Specifically, Plaintiff advised "those guys duplicate our movie, and
25 change the cover - and sold it on Amazon for a few months. Please let us know all the
26 details about the company related to this account, and stop this violation on Amazon
27 ASAP."

28 24. Nonetheless, Amazon refused to stop offering the infringing copies for sale,

1 and has continued, and continues to offer these infringing copies for sale and to sell them.

2 25. Indeed, Plaintiff is informed and believes, and on that basis alleges that
3 defendant Amazon has streamed infringing copies of the Movie to customers over the
4 Internet, and after being informed by Plaintiff that it is not authorized to make such use of
5 the Plaintiff's Movie, continues to stream infringing copies of the Movie to customers
6 over the Internet.

7 26. Plaintiff is informed and believes, and on that basis alleges that Carter and
8 SCI currently distribute infringing copies of the Movie in the U.S., and currently purport
9 to license Fetten and Delta, Blockbuster and Netflix, and the DOES defendants to copy
10 and distribute infringing copies of the Movie in the U.S. Plaintiff is informed and
11 believes, and on that basis alleges that Fetten and Delta currently make and distribute
12 infringing copies of the Movie in the U.S. Plaintiff is informed and believes, and on that
13 basis alleges that Fetten and Delta have entered into agreements with the DOES
14 defendants inclusive purporting to authorize them to make and distribute infringing copies
15 of the Movie. These infringing copies of the Movie are largely identical to Plaintiff's
16 work, containing the same audio-visual content and same credits, and are sold under the
17 same title, and with the same printed text description of the content on the dust jacket as
18 Plaintiff's genuine work. Attached hereto as Exhibit A is a true and correct copy of
19 Plaintiff's dust jacket of the Movie, depicting the title of the Movie, the description of the
20 Movie and the copyright symbol besides Avi Media. Attached hereto as Exhibit B is a
21 true and correct copy of the dust jacket sold and distributed by Defendants, containing the
22 same title as that in Exhibit A ("The Holy Land Revealed") and the same synopsis and
23 description of the Movie. Indeed, only the cover art, the screen displaying chapter names
24 and a small amount of content in the last chapter of the Movie have been changed.

25 27. Delta has made and distributed, and currently makes and distributes
26 infringing copies of the Movie, while falsely claiming to have registered U.S. copyrights
27 in the work in 2003. Indeed, false copyrights registration notices are printed on both the
28 dust jacket and the DVD disks that contain the infringing copies of the Movie, purporting

1 to show Delta as the owner of U.S. copyrights and as the source of the work. (See Exhibit
2 B.)

3 28. Plaintiff is informed and believes, and on that basis alleges that Fetten is the
4 President and a director of Delta. Plaintiff is informed and believes, and on that basis
5 alleges that Fetten personally directed and participated in, exercised control over, and
6 benefited from the specific infringements of Delta and the DOES defendants, that has
7 resulted in the infringement of Plaintiff's intellectual property.

8 29. Plaintiff is informed and believes, and on that basis alleges that Carter is the
9 sole officer and director of SCI. Plaintiff is informed and believes, and on that basis
10 alleges that Carter personally directed and participated in, exercised control over, and
11 benefited from the specific infringements of SCI, and the DOES defendants, that has
12 resulted in infringement of Plaintiff's intellectual property.

13 **FIRST CAUSE OF ACTION**

14 **(Copyright infringement)**

15 **Against All Defendants**

16 30. Plaintiff repeats, realleges and incorporates herein by this reference the
17 allegations set forth in paragraphs 1-29 of this Complaint as though set forth here in full.

18 31. Plaintiff owns and controls all copyrights in the Movie.

19 32. Without authorization from Plaintiff, or right under law, Defendants have
20 unlawfully made, offered for sale, sold and otherwise distributed infringing copies of the
21 Movie in violation of the Copyright Act, 17 U.S.C. §106.

22 33. Defendants are directly liable for these acts of infringement under the U.S.
23 Copyright Act. Each of the defendants directly makes, sells, rents or makes available for
24 download by the public infringing copies of the Movie. Further, the text on the dust
25 jacket of the infringing copies of the Movie is an infringing copy of the text on the dust
26 jacket of the genuine version of the Movie. (See Exhibits A for the genuine version of the
27 dust jacket and Exhibit B for the infringing version of the dust jacket.)

28 34. Defendant Fetten is jointly and severally liable for each act of Delta's direct

1 infringement, because he personally directed and participated in, and benefited from,
2 Delta's infringing conduct as alleged herein, and has been the guiding spirit behind and
3 central figure in Delta's infringing activities.

4 35. Defendant Carter is jointly and severally liable for each act of SCI's direct
5 infringement because she personally directed and participated in, and benefited from,
6 SCI's infringing conduct as alleged herein, and has been the guiding spirit behind and
7 central figure in SCI's infringing activities.

8 36. The foregoing acts of infringement by defendants have been willful,
9 intentional and purposeful, in disregard of and indifferent to Plaintiff's rights.

10 37. Defendants profit from this copyright infringement by selling the Movie for
11 an amount ranging from \$36 to \$120 and/or by making the movie available for rent for
12 approximately \$7.

13 38. As a direct and proximate result of defendants' infringement of Plaintiff's
14 copyrights, Plaintiff has been damaged in an amount to be proven at trial. Plaintiff is
15 entitled to damages, as well as defendants' profits, pursuant to 17 U.S.C. § 504(b).

16 39. Alternatively, Plaintiff is entitled to the maximum statutory damages, in the
17 amount of \$150,000 per infringement pursuant to 17 U.S.C. § 504(c), or for such other
18 amount as may be proper.

19 40. Plaintiff is further entitled to his attorneys' fees and full costs pursuant to 17
20 U.S.C. § 505.

21 41. Defendants' conduct is causing, and unless enjoined and restrained by this
22 Court, will continue to cause, Plaintiff great and irreparable injury that cannot fully be
23 compensated for or measured in money. Plaintiff has no adequate remedy at law.
24 Pursuant to 17 U.S.C. § 502, Plaintiff will seek an injunction prohibiting further
25 infringements of its copyrights in the Movie. Further, Plaintiff will seek an accounting of
26 all infringing copies of the Movie in the possession or under the control of the defendants,
27 and an order requiring all infringing copies of the Movie, including the master copy
28 originally delivered to Carter and SCI, in the possession of the defendants to be turned over

1 to the Court for impoundment and destruction (the Master to be returned to Plaintiff).

2 42. Plaintiff is informed and believes, and on that basis alleges, that defendants'
3 conduct was malicious, oppressive and fraudulent, and was done in conscious disregard of
4 Plaintiff's rights with the intent to defraud and cause injury to Plaintiff. As a
5 consequence, Plaintiff is entitled to punitive damages in an amount to be determined at
6 trial.

7 **SECOND CAUSE OF ACTION**

8 **(Contributory Copyright Infringement)**

9 **Against All Defendants**

10 43. Plaintiff repeats, realleges and incorporates herein by this reference the
11 allegations set forth in paragraphs 1-42 of this Complaint as though set forth here in full.

12 44. Upon information and belief, Defendants knew or had reason to know that
13 its users and customers were buying, selling and/or renting infringing copies of the Movie
14 through its services and on its website. Indeed, the Movie sold and rented through these
15 Defendants' services contains specific warnings that the Plaintiff holds the copyright to
16 the Movie.

17 45. Plaintiff is informed and believes, and on that basis alleges that Defendants
18 Carter and SCI knew that Plaintiff has the exclusive copyright to the Movie because
19 Carter and SCI were informed of that by Biblical. Carter and SCI also know of Plaintiff's
20 exclusive right because it is stated on the Movie's dust jacket and in the credits to the
21 Movie. Nonetheless, SCI and Carter entered into third party agreements with amongst
22 others Fetteen, Delta, Blockbuster, Netflix and the DOES Defendants whereby SCI and/or
23 Carter encouraged and assisted with the improper distribution of the Movie.

24 46. Plaintiff is informed and believes, and on that basis alleges that Defendants
25 Delta and Fetteen knew that Plaintiff has the exclusive copyright to the Movie because it is
26 stated on the Movie's dust jacket and in the credits to the Movie. Nonetheless, Delta and
27 Fetteen entered into third party agreements whereby Fetteen and Delta encouraged and
28 assisted with the improper distribution of the Movie.

1 47. Plaintiff is informed and believes, and on that basis alleges that Defendant
2 Amazon provides a service whereby third parties who are affiliated with Amazon are
3 permitted to offer for sale and to sell, with Amazon's assistance in completing sales
4 transactions, infringing copies of the Movie. Amazon knows and has reason to know that
5 these affiliated third parties are offering for sale and are selling infringing copies of the
6 Movie through its services and on its website. In addition to being directly informed by
7 Plaintiff in or about March, 2012 that infringing copies of the Movie were being offered
8 for sale on its website, Amazon should have known that the work could not be the
9 copyrighted intellectual property of both defendant Delta and Plaintiff, because although
10 the dust jacket and the DVDs printed label display the copyright registration notice of the
11 defendant Delta, the visual image of the Movie sold and rented through Amazon's website
12 displays the copyrights notice of the Plaintiff.

13 48. Plaintiff is informed and believes, and on that basis alleges that Amazon has
14 not taken any action to remove the infringing copies of the Movie from its Internet sales
15 website, neither has it ceased streaming infringing copies of the work to consumers
16 through the download service it operates over the Internet. By permitting the unfettered
17 distribution of infringing copies of the Movie, Amazon materially contributes to the
18 infringing activities of the affiliates who sell these infringing copies through Amazon's
19 sales website and with Amazon's assistance.

20 49. Upon information and belief, Defendants took no action to control the
21 continuing infringing activities of its subscribers (especially those subscribers who are
22 repeat offenders), even though they were aware of such activities or were aware of facts
23 and circumstances sufficient to give them such knowledge.

24 50. By permitting the unfettered distribution of infringing copyrighted works,
25 Defendants have induced, caused and materially contributed to the infringing activities of
26 its subscribers.

27 51. The acts of the Defendants complained of herein constitute contributory
28 copyright infringement of Plaintiff's copyrights in violation of 17 U.S.C. §§ 106 and 501.

52. The infringement of Plaintiff's rights in and to its copyrighted work constitutes a separate and distinct act of infringement.

53. The foregoing acts of contributory infringement by Defendants have been willful, intentional and purposeful, or in disregard of, and with indifference to the rights of, Plaintiff.

54. As a direct and proximate result of Defendants' contributory infringement of Plaintiff's copyrights, Plaintiff is entitled to damages in an amount to be proven at trial, as well as defendants' profits, pursuant to 17 U.S.C. § 504(b).

55. Defendants' conduct is causing, and unless enjoined and restrained by this Court, will continue to cause, Plaintiff great and irreparable injury that cannot fully be compensated for or measured in money. Plaintiff has no adequate remedy at law. Pursuant to 17 U.S.C. § 502, Plaintiff will seek an injunction prohibiting further contributory infringements of its copyrights in the Movie. Further, Plaintiff will seek an accounting of all infringing copies of the Movie Defendants have assisted others in selling, and to the extent Defendants are in privity with these third parties, Plaintiff will seek an order requiring all infringing copies of the Movie entrusted to Defendants by these third parties to be turned over to the Court for impoundment and destruction (the Master to be returned to Plaintiff).

THIRD CAUSE OF ACTION

(Vicarious Liability for Copyright for Copyright Infringement)

Against Fetten and Carter

56. Plaintiff repeats, realleges and incorporates herein by this reference the allegations set forth in paragraphs 1-55 of this Complaint as though set forth here in full.

57. Plaintiff is informed and believes, and on that basis alleges that at relevant times Fetten had, and currently has, the right and ability to control Delta's acts.

58. Plaintiff is informed and believes, and on that basis alleges that Fetten received direct financial benefit from the infringing acts of Delta.

59. Plaintiff is informed and believes, and on that basis alleges that Fetten

1 intentionally directed, encouraged and induced Delta to infringe Plaintiff's copyrights in
2 the Movie and in the text appearing on its dust jacket.

3 60. Plaintiff is informed and believes, and on that basis alleges that at relevant
4 times Carter had, and currently has, the right and ability to control SCI's acts.

5 61. Plaintiff is informed and believes, and on that basis alleges that Carter
6 received direct financial benefit from the infringing acts of SCI.

7 62. Plaintiff is informed and believes, and on that basis alleges that Carter
8 intentionally directed, encouraged and induced SCI to infringe Plaintiff's copyrights in the
9 Movie and in the text appearing on its dust jacket.

10 63. Based on information and belief, Carter further contributed to and induced
11 Fetten and Delta to infringe on Plaintiff's copyrights in the Movie by allowing Delta to
12 improperly claim copyrights in the Movie through SCI and by supplying Fetten and Delta
13 with a master copy of the Movie.

14 64. As a direct and proximate result of the contributory infringement of
15 Plaintiff's copyrights by Fetten and Carter, Plaintiff is entitled to damages in an amount to
16 be proven at trial, as well as defendants' profits, pursuant to 17 U.S.C. § 504(b).

17 65. Fetten and Carter's conduct is causing, and unless enjoined and restrained
18 by this Court, will continue to cause, Plaintiff great and irreparable injury that cannot fully
19 be compensated for or measured in money. Plaintiff has no adequate remedy at law.
20 Pursuant to 17 U.S.C. § 502, Plaintiff will seek an injunction prohibiting further
21 infringements of its copyrights in the Movie. Further, Plaintiff will seek an accounting of
22 all infringing copies of the Movie Fetten and Carter have directed others to sell, and to the
23 extent Fetten and Carter are in privity with, or control of, these third parties, Plaintiff will
24 seek an order requiring all infringing copies of the Movie to be turned over to the Court
25 for impoundment and destruction (the Master to be returned to Plaintiff).

26 66. Plaintiff is informed and believes, and on that basis alleges that the acts of
27 defendants Fetten and Carter alleged herein were malicious, oppressive, and done with the
28 intent to defraud and cause injury to Plaintiff, or were done in conscious disregard of

1 Plaintiff's rights.

2 **FOURTH CAUSE OF ACTION**

3 **(Inducing Infringement of Copyrights Act)**

4 **Against Defendants**

5 67. Plaintiff repeats, realleges and incorporates herein by this reference the
6 allegations set forth in paragraphs 1-66 of this Complaint as though set forth here in full.

7 68. Plaintiff is informed and believes, and on that basis alleges that one or more
8 of defendants Fetteen, Delta, Carter, SCI, Amazon, Netflix, and Blockbuster have
9 intentionally induced one or more of the DOES defendants to infringe Plaintiff's
10 copyrights by inducing them to copy, sell, rent, display or distribute infringing copies of
11 the Movie.

12 69. As a direct and proximate result of inducing one or more of the DOES
13 defendants to infringe Plaintiff's copyrights Fetteen, Delta, Carter, SCI, Amazon, Netflix,
14 and Blockbuster have caused Plaintiff to be damaged in an amount to be proven at trial.

15 70. Fetteen, Delta, Carter, SCI, Amazon, Netflix, and Blockbuster are causing,
16 and unless enjoined and restrained by this Court, will continue to cause, Plaintiff great and
17 irreparable injury that cannot fully be compensated for or measured in money. Plaintiff
18 has no adequate remedy at law. Pursuant to 17 U.S.C. § 502, Plaintiff will seek an
19 injunction prohibiting further conduct inducing infringements of its copyrights in the
20 Movie. Further, Plaintiff will seek an accounting of all infringing copies of the Movie
21 Fetteen, Delta, Carter, SCI, Amazon, Netflix, and Blockbuster have induced others to
22 make, sell, and display; and to the extent Fetteen, Delta, Carter, SCI, Amazon, Netflix, and
23 Blockbuster are in privity with, or control of, these third parties, Plaintiff will seek an
24 order requiring all infringing copies of the Movie to be turned over to the Court for
25 impoundment and destruction (the Master to be returned to Plaintiff).

26 71. Plaintiff is informed and believes, and on that basis alleges that the conduct
27 of defendants Fetteen, Delta, Carter, SCI, Amazon, Netflix, and Blockbuster was
28 malicious, oppressive and fraudulent, and was done in conscious disregard of Plaintiff's

1 rights with the intent to defraud and cause injury to Plaintiff.

2 **FIFTH CAUSE OF ACTION**

3 **(Federal False Designation of Origin and Unfair Competition, 15. U.S.C. § 1125(a))**

4 **Against All Defendants**

5 72. Plaintiff repeats, realleges and incorporates herein by this reference the
6 allegations set forth in paragraphs 1-71 of the Complaint as though set forth here in full.

7 73. In connection with Defendants advertisement, promotion, distribution, sales
8 and offers to sell their goods, Defendants have falsely represented that Delta is the
9 originator of the Movie and has copyright in the Movie and its title "the Holy Land
10 Revealed" and that Carter is the Producer of the Movie.

11 74. Defendants have used the same name ("The Holy Land Revealed") and the
12 same description and synopsis on the Movie's dust jacket and on their website, as the one
13 used by Plaintiff. (See Exhibits A for the genuine version of the dust jacket and Exhibit B
14 for the infringing version of the dust jacket.)

15 75. Defendants also used the same credits and the same exact Movie as the ones
16 used by Plaintiff. For example, the end credits on Plaintiff's Movie and the Movie
17 distributed by defendants state: "The Holyland Revealed © Avi Media All Rights
18 Reserved."

19 76. All of these actions by the defendants tend to represent falsely that the
20 Movie is sponsored by, authorized by, or otherwise affiliated or associated with Delta
21 and/or Carter, to Plaintiff's detriment.

22 77. Defendants' acts were intended to deceive, confuse and mislead retailers and
23 consumers.

24 78. Defendants' acts constitute use in commerce of false and misleading
25 designations or origin, tending to mislead the public as to who is the source or origin of
26 the Movie distributed by Defendants.

27 79. By reason of the foregoing, defendants are liable to Plaintiff for: (a) an
28 amount equal to three times the actual damage suffered by Plaintiff or the defendants'

1 illicit profits; and (b) costs, and pre-judgment interest, pursuant to section 1117 of the
2 Lanham Act.

3 **SIXTH CAUSE OF ACTION**

4 **(Unfair Competition-California Business & Professions Code § 17200, et seq.)**

5 **Against All the Defendants**

6 80. Plaintiff repeats, realleges and incorporates herein by this reference the
7 allegations set forth in paragraphs 1-79 of the Complaint as though set forth here in full.

8 81. Defendants' distribution of a movie identical to Plaintiff's movie along with
9 their attempt to market and advertise the movie using the same name, synopsis and credits
10 as those used by Plaintiff, constitute deceptive, fraudulent and unfair business practices
11 and unfair competition under California Business and Professions Code section 17200, et.
12 seq.

13 82. Moreover, Defendants' improper and false claim that Delta and Carter were
14 the owners, originators and were associated with the Movie further constitute fraudulent
15 and unfair business practices and unfair competition under California Business and
16 Professions Code section 17200, et. seq.

17 83. Defendants' conduct is unlawful, unfair and fraudulent.

18 84. As a proximate result of defendants' conduct, Plaintiff has been deprived of
19 its property and has sustained substantial damages.

20 85. Further, Plaintiff has and will continue to suffer damages to its reputation
21 and goodwill, and such damage is irreparable, without adequate remedy at law, unless this
22 Court enjoins the misconduct of the defendants.

23 **SEVENTH CAUSE OF ACTION**

24 **(Interference with Economic Advantage)**

25 **Against all the Defendants**

26 86. Plaintiff repeats, realleges and incorporates herein by this reference the
27 allegations set forth in paragraphs 1-85 of the Complaint as though set forth here in full.

28 87. Plaintiff has sought to and currently seeks to distribute the Movie in the

1 U.S., which is known to the defendants Carter SCI and Amazon.

2 88. As a proximate result of Defendants' duplication, distribution and rental,
3 and advertising of infringing copies of the Movie in the U.S., under the same title as
4 Plaintiff's genuine work, Defendants have interfered with, and continue to interfere with
5 Plaintiff's prospective customers, to confuse them about which is the genuine work, and
6 to make sales and rentals to which Plaintiff alone is entitled.

7 89. Defendants engaged in intentional acts as set forth above, to disrupt and
8 induce intentional interference with Plaintiff's prospective economic advantage through
9 Plaintiff's business relationship with customers.

10 90. An actual disruption and interference of the prospective economic advantage
11 occurred.

12 91. Plaintiff is informed and believes, and on that basis alleges, that defendants'
13 conduct was malicious, oppressive and fraudulent, and was done in conscious disregard of
14 Plaintiff's rights with the intent to defraud and cause injury to Plaintiff. As a
15 consequence, Plaintiff is entitled to punitive damages in an amount to be determined at
16 trial.

17 92. Defendants are causing, and unless enjoined and restrained by this Court,
18 will continue to cause, Plaintiff great and irreparable injury that cannot fully be
19 compensated for or measured in money. Plaintiff has no adequate remedy at law.
20 Plaintiff will seek an injunction prohibiting further conduct interfering with its rights to
21 advertise, sell and display the Movie. Further, Plaintiff will seek an accounting of all
22 unauthorized sales and rentals of the Movie by defendants and those in privity with them.
23 Plaintiff will seek an order requiring all unauthorized copies of the Movie to be turned
24 over to the Court for impoundment and destruction (the Master to be returned to Plaintiff).

25 93. By reason of the foregoing, Plaintiff is entitled to an injunction against
26 defendants restraining them from further acts of interference with Plaintiff's prospective
27 economic advantage, to an award of all damages to be proven at trial, caused by the
28 defendants' aforesaid acts of interference.

EIGHTH CAUSE OF ACTION

(Conversion)

Against SCI and Carter

94. Plaintiff repeats, realleges and incorporates herein by this reference the allegations set forth in paragraphs 1-93 of the Complaint as though set forth here in full.

95. Plaintiff is and at all relevant times has been the rightful owner of the Master copy of the Movie.

96. SCI and Carter improperly and fraudulently obtained the Master copy of the Movie with the intent to improperly duplicate, distribute and display the Movie.

97. Defendants SCI and Carter have converted the Master copy of the Movie to their own use and profits.

98. Plaintiff has been damaged by the acts of Carter and SCI in an amount to be proven at trial.

99. Carter and SCI's conversion of the Master copy of the Movie was intentional, or it was done in conscious disregard of Plaintiff's property rights, and it was done to advance the financial interests of Carter and SCI. These acts constituted oppression in that they have subjected Plaintiff to unjust hardship. As such, Plaintiff is entitled to punitive damages to punish the defendants and to deter such conduct from occurring in the future.

NINTH CAUSE OF ACTION

(Fraud)

Against Carter and SCI

100. Plaintiff repeats, realleges and incorporates herein by this reference the allegations set forth in paragraphs 1-99 of the Complaint as though set forth here in full.

101. Carter and SCI made intentional promissory misrepresentations, that Carter, through SCI, would not License the Movie, duplicate the Master or otherwise use the Master or Movie without Plaintiff's consent.

102. Carter and SCI further made intentional misrepresentations, promising to

1 refrain from distributing the Movie without Plaintiff's expressed written consent.

2 103. Based on information and belief, SCI and Carter further represented that if
3 Plaintiff consented to a limited distribution (in the event SCI and Carter obtained
4 customers for the Movie), Plaintiff would receive a profit from the distribution(s).

5 104. Carter made these false representations with the intent to induce Plaintiff to
6 act in reliance on such misrepresentations and to provide Carter with the Master of the
7 Movie.

8 105. Plaintiff indeed relied upon those representations and caused a Master copy
9 of the Movie to be provided to Carter.

10 106. These representations of Carter and SCI were false. In reality, SCI and
11 Carter intended at the time they made these representations to convert the Master copy of
12 the Movie to their own use and benefit, which they did. Plaintiff had no knowledge of
13 and no reasonable basis to suspect the falsity of the representations of Carter and SCI.

14 107. When Carter and SCI made these false promissory representations, they did
15 so with the intent to deceive and defraud Plaintiff, and to induce Plaintiff to act in reliance
16 on these representations, or with the expectation that Plaintiff would so rely and act.

17 108. When Carter and SCI made these false representations Plaintiff was ignorant
18 of their falsity, and did not discover true facts until about April 2012.

19 109. As a direct and proximate result of SCI and Carter's misrepresentations,
20 Plaintiff has suffered compensatory, consequential and incidental damages in an amount
21 according to proof.

22 110. Plaintiff is informed and believe, and on that basis allege, that Carter and
23 SCI acted with oppression, fraud, and malice, and with the intent to damage Plaintiff,
24 entitling Plaintiff to an award of punitive damages against Carter and SCP in an amount
25 according to proof to punish and to deter SCP and Carter from engaging in this conduct in
26 the future. Plaintiff is informed and believes, and upon that basis alleges that Carter has
27 engaged in a pattern of similar false representations, including false representations
28 regarding the production and distribution of a movie about the life of Pope John Paul II,

1 made by foreign film makers from Italy.

2 **TENTH CAUSE OF ACTION**

3 **(Declaratory Relief)**

4 **Against all the Defendants**

5 111. Plaintiff repeats, realleges and incorporates herein by this reference the
6 allegations set forth in paragraphs 1-110 of the Complaint as though set forth here in full.

7 112. An actual controversy has arisen between the Defendants and Plaintiff.
8 Plaintiff contends, and based on information and belief, Defendants deny, that Defendants
9 infringed on Plaintiff's copyright in the Movie, the Holy Land Revealed and Defendants
10 Delta and Fetten made intentional false representations claiming ownership and/or
11 copyright in the Movie the Holy Land Revealed.

12 113. Plaintiff desires a judicial determination of this issue, including amongst
13 other things a declaration that the Movie that is the subject of this action is the
14 copyrighted work of Plaintiff as the owner; that to the extent Delta or any of the
15 defendants obtained copyright protection to the Movie, that it be declared void, and; that
16 Defendants their agents, servants, employees, successors and assigns, and all those in
17 privity with any of them be permanently enjoined from infringing on Plaintiff's copyright
18 in the Movie the Holy Land Revealed in any manner, including distributing, selling, or
19 showing the Movie without Plaintiff's express consent.

20 114. Plaintiff further seeks a declaration ordering Carter and SCP or any of the
21 defendants who have possession of the video master tape of the Movie to promptly return
22 the video master tape, back to the Plaintiff.

23 115. Such a declaration is necessary and appropriate at this time in order that
24 Plaintiff may ascertain its rights to compensation and credit for the Movie the Holy Land
25 Revealed, and Plaintiff further seeks an order from this Court directing the defendants that
26 the copyrights registration applications and all issued registrations for these disputed
27 works to Delta be cancelled forthwith.

28 ///

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Avi Ofra Media Ltd. prays that the Court enter judgment in its favor and against defendants as follows:

1. For all damages to which Plaintiff may be entitled, including defendants' profits, in such amounts as may be found. Alternatively, at Plaintiff's election, for statutory damages in the maximum amount allowed by law;
2. For an accounting of all gains, profits and advantages Defendants derives from their copyright infringements of the Movie the Holy Land Revealed;
3. For an award of treble Plaintiff's actual damages, and Defendants' ill-gotten profits;
4. For an award of punitive damages in an amount sufficient to punish and deter future misconduct;
5. For interest according to law;
6. For Plaintiff's attorneys' fees, and full costs and disbursements in this action;
7. For an injunction ordering that Defendants, their agents, servants, employees, successors and assigns, and all those in privity with any of them be permanently enjoined from infringing on Plaintiff's copyright in the Movie the Holy Land Revealed in any manner, including distributing, selling, or showing the Movie without Plaintiff's express consent;
8. For an injunction prohibiting Defendants, their agents, servants, employees, successors and assigns, and all those in privity with any of them, from conveying to the consuming public by word, image, or actions that the Movie is affiliated with Delta;
9. For an injunction prohibiting Defendants their agents, servants, employees, successors and assigns, and all those in privity with any of them, refrain from unfairly, deceptively and fraudulently representing to the public that Delta is the copyright holder to the Movie;
10. For an injunction prohibiting the Defendants their agents, servants,

1 employees, successors and assigns, and all those in privity with any of them from
2 registering copyrights in the Movie that is the subject of this action in their names or in
3 the name(s) of anyone else, or if already registered, for an order to the Copyright Register
4 to cancel them;

5 11. For a declaration that the Movie that is the subject of this action is the
6 copyrighted work of Plaintiff as the owner; and,

7 12. For such other and further relief as the Court deems appropriate.

8
9 DATED: April 9, 2013

TOBI LAW GROUP,
A PROFESSIONAL CORPORATION

10
11
12 By: 

Yael Tobin
Attorneys for Plaintiff Avi Ofra,
dba Avi Media

DEMAND FOR JURY TRIAL

Plaintiff, Avi Ofra, dba Avi Media, hereby demands a trial by jury of all claims set forth in its Complaint to the full extent permitted by the Constitution and law of the United States.

DATED: April 9, 2013

TOBI LAW GROUP,
A PROFESSIONAL CORPORATION

By: 

Yael Tobin
Attorneys for Plaintiff Avi Media,
dba Avi Media

EXHIBIT A

The Holy Land Revealed

DVD
IN 8 LANGUAGES



English



日本書



Português



Français



中文(國語)



三



011
JSTSC

**Guaranteed
NEW! 100%**



Part 2

EXHIBIT B

TAKE AN UNFORGETTABLE TRIP THROUGH THE MOST CHERISHED PLACE ON EARTH

the Holy Land Revealed

EXPERIENCE
THE WONDER
OF THE SITES
THAT BEAR WITNESS TO
JESUS' LIFE AND WORK.



82 480



the Holy Land Revealed



THE HOLY LAND REVEALED IS ABOUT TO TAKE YOU ON AN UNFORGETTABLE TRIP THROUGH THE MOST CHERISHED PLACE ON EARTH.

SEE WHERE JESUS OF NAZARETH LIVED AND PREACHED A MESSAGE THAT REACHED OUT ACROSS ETERNITY, RADIATING FROM THE SEA OF GALILEE AND ITS FERTILE MOUNTAINS TO PARCHED SOUTHERN DESERTS, FROM THE ROLLING HILLS OF SAMARIA TO THE SACRED SLOPES OF JERUSALEM. EXPERIENCE THE WONDER OF A VISIT TO THE SITES THAT TO THIS DAY BEAR WITNESS TO JESUS' LIFE AND WORK. LEARN HOW THE ENTIRE SWEEP OF BIBLICAL HISTORY POINTS TO THE FUTURE OF THIS GLORIOUS LAND, FROM THE DAYS OF THE PATRIARCHS AND MATRIARCHS TO THE REIGN OF ISRAEL'S KINGS, THE ERA OF ROMAN AND BYZANTINE RULE, THE CRUSADER KINGDOM AND RIGHT UP TO MODERN TIMES.

ENJOY THE HOLY LAND REVEALED, THE MOST COMPREHENSIVE HOLY LAND PROGRAM EVER MADE.

the Holy Land Revealed

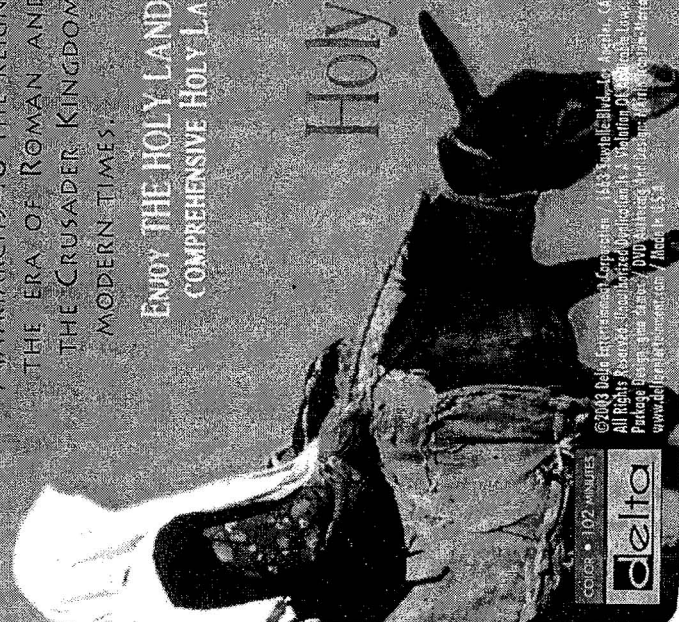


PLAYABLE IN ALL REGIONS



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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge John Kronstadt and the assigned discovery Magistrate Judge is Carla Woehrle.

The case number on all documents filed with the Court should read as follows:

CV13- 2524 JAK (CWx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Name & Address:

Yael Tobi (State Bar No. 231425)
 TOBI LAW GROUP, A PROFESSIONAL CORP.
 790 Hampshire Rd., Suite F
 Westlake Village, CA 91361
 Telephone: (805) 409-9666
 Facsimile: (805) 409-9662

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

Avi Ofra, individual and dba Avi Media,

CASE NUMBER

PLAINTIFF(S)

CV 13-02524-JAK (CWK)

v.

Delta Entertainment Corp.,

SUMMONS

SEE ATTACHED DEFENDANT(S).

TO: DEFENDANT(S):

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Yael Tobi, whose address is 790 Hampshire Rd., Suite F, Westlake Village, CA 91361. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: APR - 9 2013

By:

MARILYN

Deputy Clerk

(Seal of the Court)



[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

COPY

Yael Tobi, Esq. (SBN 231425)
 yael@tobilaw.com
 TOBI LAW GROUP
 A PROFESSIONAL CORPORATION
 790 Hampshire Road, Suite F
 Westlake Village, California 91361
 Telephone: (805) 409-9666
 Facsimile: (805) 409-9662

Attorneys for Plaintiff Avi Ofra Media

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

AVI OFRA, individual and dba AVI
 MEDIA,

Plaintiff,

vs.

DELTA ENTERTAINMENT, CORP.,
 FKA DELTA MUSIC CORP.;
 WOLFGANG FETTEN, SANDRA
 CARTER INTERNATIONAL, INC.
 FKA SANDRA CARTER
 ENTERPRISES, INC.; SANDRA
 CARTER COLLYER;
 BLOCKBUSTER LLC; NETFLIX
 INC.; NETFLIX STREAMING
 SERVICES INC.; AMAZON.COM,
 LLC, and DOES 1-10

Defendants.

Case No. _____

COMPLAINT FOR

1. Copyrights Infringement of Foreign Work;

2. Contributory Copyrights Infringement of Foreign Work;

3. Vicarious Copyrights Infringement of Foreign Work;

4. Inducing Infringement of Copyrights In Foreign Work;

5. Federal False Designation of Origin and Unfair Competition, 15. U.S.C. § 1125(a))

6. Unfair Competition-California Business & Professions Code § 17200, et seq.

7. Interference With Prospective Economic Advantage;

8. Conversion;

9. Fraud

10. Declaratory Relief

DEMAND FOR JURY TRIAL

CIVIL COVER SHEET

I. (a) PLAINTIFFS (Check box if you are representing yourself ☐)

AVI OFRA, individual and dba AVI MEDIA

DEFENDANTS (Check box if you are representing yourself ☐)

DELTA ENTERTAINMENT, CORP.; WOLFGANG FETTEN, SANDRA CARTER INTERNATIONAL, INC.; SANDRA CARTER COLLYER; BLOCKBUSTER LLC; NETFLIX INC.; NETFLIX STREAMING SERVICES INC.; AMAZON.COM, LLC, and DOES 1-10'

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

Yael Tobl
TOBI LAW GROUP, A PROFESSIONAL CORPORATION
790 Hampshire Rd., Suite F, Westlake Village, CA 91361
(805) 409-9666

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1. U.S. Government Plaintiff
- ☒ 3. Federal Question (U.S. Government Not a Party)
- ☐ 2. U.S. Government Defendant
- ☒ 4. Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES-For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input checked="" type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN (Place an X in one box only.)

- ☒ 1. Original Proceeding
- ☐ 2. Removed from State Court
- ☐ 3. Remanded from Appellate Court
- ☐ 4. Reinstated or Reopened
- ☐ 5. Transferred from Another District (Specify)
- ☐ 6. Multi-District Litigation

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check "Yes" only if demanded in complaint.)**CLASS ACTION** under F.R.Cv.P. 23: ☐ Yes ☒ No **MONEY DEMANDED IN COMPLAINT:** \$ According to proof**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

This is a civil action seeking damages and an injunction for infringement of copyrights in a foreign work, pursuant to the Berne Convention, and for state-laws based torts. Plaintiff's claims arise under the Copyright Act (17 U.S.C. §§ 101 et seq.) and Unfair Competition, (15. U.S.C. § 1125(a)).

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	Habeas Corpus:	<input checked="" type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property		<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument		TORTS	<input type="checkbox"/> 530 General	SOCIAL SECURITY
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	PERSONAL INJURY	PERSONAL PROPERTY	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 310 Airplane	<input checked="" type="checkbox"/> 370 Other Fraud	Other:	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 865 RSI (405 (g))
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 340 Marine	BANKRUPTCY	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	FEDERAL TAX SUITS
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	FORFEITURE/PENALTY	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 893 Environmental Matters	REAL PROPERTY	<input type="checkbox"/> 355 Motor Vehicle Product Liability	CIVIL RIGHTS	<input type="checkbox"/> 690 Other	
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 440 Other Civil Rights	LABOR	
<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 710 Fair Labor Standards Act	
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
<input type="checkbox"/> 950 Constitutionality of State Statutes		<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 740 Railway Labor Act	
		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 751 Family and Medical Leave Act	
		<input type="checkbox"/> 369 Personal Injury Product Liability	<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 790 Other Labor Litigation	
			<input type="checkbox"/> 448 Education	<input type="checkbox"/> 791 Employee Ret. Inc. Security Act	

FOR OFFICE USE ONLY: Case Number:

CV13-02524

AFTER COMPLETING PAGE 1 OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED ON PAGE 2.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ NO ☐ YES

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☐ NO ☐ YES

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- ☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	AVI OFRA, individual and dba AVI MEDIA -- Foreign Country -- Israel

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Delta Entertainment, Corp. - Los Angeles Wolfgang Fette -- Los Angeles	Sandra Carter Collyer and Sandra Carter International Inc. - New York; Blockbuster LLC - Colorado; Netflix, Inc., Netflix Streaming Services, Inc. and Amazon.com, LLC - Delaware (qualified & doing business in CA- Los Angeles)

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.

NOTE: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

*Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved.

X. SIGNATURE OF ATTORNEY (OR SELF-REPRESENTED LITIGANT): Yael Tob DATE: April 2, 2013

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))